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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RIVER LIGHT V., L.P. and TORY BURCH	:	
LLC,	:	
Plaintiffs,	:	13 CV 3684 (HB)
-against-	:	
JEWELRY HOUSE CORPORATION, UK CHOI	:	
aka JIMMY CHOI, and DOES 1-10,	:	
Defendants.	:	
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ANSWER OF DEFENDANTS JEWELRY HOUSE CORP. AND JIMMY CHOI

Defendants Jewelry House Corp. (“JHC”) and Jimmy Choi (“Choi”)¹ (collectively, “Defendants”), by and through their undersigned attorneys, Cowan, Liebowitz & Latman, P.C., as and for their Answer to the Complaint filed by Plaintiffs River Light V, L.P. and Tory Burch LLC (collectively, “Plaintiffs”) state as follows:

NATURE OF THE ACTION

1. With respect to Paragraph 1 of the Complaint, Defendants admit that Plaintiffs purport to assert claims for trademark counterfeiting, trademark infringement, trademark dilution, copyright infringement, and unfair competition but deny that Plaintiffs have stated causes of action for those claims and further deny that Defendants are liable for such claims.

¹ Jimmy Choi is incorrectly named in the Complaint as Uk Choi. Jimmy Choi’s birth name is Sung Choi.

2. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Complaint.

3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Complaint and refer to the copyright registration referenced therein for a complete and accurate statement of its contents.

4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Complaint.

5. Defendants deny the allegations set forth in paragraph 5 of the Complaint.

6. Defendants deny the allegations set forth in paragraph 6 of the Complaint.

JURISDICTION AND VENUE

7. Paragraph 7 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants admit that this Court has subject matter jurisdiction over Plaintiffs' purported claims but deny that they are liable for such claims.

8. Paragraph 8 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants admit that this Court has subject matter jurisdiction over Plaintiffs' purported claims but deny that they are liable for such claims.

9. Paragraph 9 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants admit that the Court has personal jurisdiction over them, but deny that they are liable for any of Plaintiffs' purported claims.

10. Paragraph 10 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants admit that venue is properly laid in this District with respect to Plaintiffs' purported claims, but deny that they are liable for such claims.

THE PARTIES

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Complaint.

13. JHC denies the allegations set forth in paragraph 13 of the Complaint, but admits that it is a New York corporation with an address of 42 West 28th Street, New York, NY 10001.

14. Choi denies the allegations set forth in paragraph 14 of the Complaint, but admits that he an employee of JHC.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first and second sentences of paragraph 15 of the Complaint and deny the allegations set forth in the third sentence of said paragraph.

16. Defendants deny the allegations set forth in paragraph 16 of the Complaint.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 of the Complaint.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the Complaint and refer to the trademark registration and application referenced therein for a complete and accurate statement of their contents.

19. Paragraph 19 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph and

refer to the trademark registration referenced therein for a complete and accurate statement of its contents.

20. Paragraph 20 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 of the Complaint and refer to the website referenced therein for a complete and accurate statement of its contents.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 of the Complaint.

23. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 23 of the Complaint.

24. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24 of the Complaint.

25. JHC denies the allegations set forth in paragraph 25 of the Complaint, but admits that it is a corporation with an address of 42 West 28th Street, New York, NY 10001.

26. Choi denies the allegations of paragraph 26 of the Complaint, but admits that he is an employee of JHC.

27. Defendants deny the allegations set forth in paragraph 27 of the Complaint.

28. Defendants deny the allegations set forth in paragraph 28 of the Complaint.

29. Paragraph 29 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations set forth in said paragraph and refer to the illustrations referenced therein for a complete and accurate statement

of their contents.

30. Defendants deny the allegations set forth in paragraph 30 of the Complaint.

31. Defendants deny the allegations set forth in paragraph 31 of the Complaint.

32. Defendants deny the allegations set forth in paragraph 32 of the Complaint.

33. Defendants deny the allegations set forth in paragraph 33 of the Complaint.

34. Defendants deny the allegations set forth in paragraph 34 of the Complaint.

35. Defendants deny the allegations set forth in paragraph 35 of the Complaint.

36. Defendants deny the allegations set forth in paragraph 36 of the Complaint.

37. Paragraph 37 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations set forth in said paragraph.

38. Paragraph 38 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations set forth in said paragraph.

39. Paragraph 39 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations set forth in said paragraph.

40. Paragraph 40 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations set forth in said paragraph.

41. Paragraph 41 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations set forth in said paragraph.

FIRST CLAIM FOR RELIEF
(Federal Trademark Counterfeiting)

42. Defendants repeat and reallege their responses to paragraphs 1 through 41 of the Complaint as if fully set forth herein.

43. Paragraph 43 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph and refer to the registration referenced therein for a complete and accurate statement of its contents.

44. Defendants deny the allegations set forth in paragraph 44 of the Complaint.

45. Defendants deny the allegations set forth in paragraph 45 of the Complaint.

46. Paragraph 46 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

47. Paragraph 47 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

48. Paragraph 48 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

49. Paragraph 49 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

50. Paragraph 50 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said

paragraph.

51. Paragraph 51 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

SECOND CLAIM FOR RELIEF
(Federal Trademark Infringement)

52. Defendants repeat and reallege their responses to paragraphs 1 through 51 of the Complaint as if fully set forth herein.

53. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 53 of the Complaint.

54. Paragraph 54 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph and refer to the registrations referenced therein for a complete and accurate statement of their contents.

55. Paragraph 55 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

56. Defendants deny the allegations of Paragraph 56 of the Complaint.

57. Paragraph 57 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

58. Paragraph 58 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said

paragraph.

59. Defendants deny the allegations of Paragraph 59 of the Complaint.

60. Paragraph 60 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

61. Paragraph 61 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

62. Paragraph 62 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

THIRD CLAIM FOR RELIEF
(False Designations of Origin and False Descriptions)

63. Defendants repeat and reallege their responses to paragraphs 1 through 62 of the Complaint as if fully set forth herein.

64. Paragraph 64 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

65. Paragraph 65 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

66. Defendants deny the allegations of Paragraph 66 of the Complaint.

67. Defendants deny the allegations of Paragraph 67 of the Complaint.

68. Paragraph 68 of the Complaint states a legal conclusion as to which no response is

required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

69. Paragraph 69 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

FOURTH CLAIM FOR RELIEF
(Federal Trademark Dilution – 15 U.S.C. § 1125(c))

70. Defendants repeat and reallege their responses to paragraphs 1 through 69 of the Complaint as if fully set forth herein.

71. Paragraph 71 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

72. Paragraph 72 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

73. Paragraph 73 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

74. Paragraph 74 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

75. Paragraph 75 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

76. Defendants deny the allegations of Paragraph 76 of the Complaint.

77. Paragraph 77 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

78. Paragraph 78 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

FIFTH CLAIM FOR RELIEF
(Copyright Infringement)

79. Defendants repeat and reallege their responses to paragraphs 1 through 78 of the Complaint as if fully set forth herein.

80. Paragraph 80 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph and refer to the registration referenced therein for a complete and accurate statement of its contents.

81. Paragraph 81 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

82. Paragraph 82 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

83. Paragraph 83 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

84. Paragraph 84 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

85. Paragraph 85 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

86. Paragraph 86 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

87. Defendants deny the allegations of Paragraph 87 of the Complaint.

88. Paragraph 88 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

89. Paragraph 89 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

SIXTH CLAIM FOR RELIEF
(Dilution and Injury to Business Reputation – NY General Business Law § 360-1)

90. Defendants repeat and reallege their responses to paragraphs 1 through 89 of the Complaint as if fully set forth herein.

91. Paragraph 91 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph and refer to the registration referenced therein for a complete and accurate statement of its contents.

92. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 92 of the Complaint.

93. Paragraph 93 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

94. Paragraph 94 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

95. Paragraph 95 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

96. Paragraph 96 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

SEVENTH CLAIM FOR RELIEF
(Common Law Trademark Infringement)

97. Defendants repeat and reallege their responses to paragraphs 1 through 96 of the Complaint as if fully set forth herein

98. Paragraph 98 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of said paragraph.

99. Paragraph 99 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

100. Paragraph 100 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

101. Paragraph 101 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

102. Paragraph 102 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

103. Paragraph 103 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

104. Paragraph 104 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

EIGHTH CLAIM FOR RELIEF
(Misappropriation and Unfair Competition Under New York Common Law)

105. Defendants repeat and reallege their responses to paragraphs 1 through 104 of the Complaint as if fully set forth herein

106. Paragraph 106 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

107. Paragraph 107 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said

paragraph.

108. Paragraph 108 of the Complaint states a legal conclusion as to which no response is required but, to the extent a response is required, Defendants deny the allegations of said paragraph.

AS TO THE PRAYER FOR RELIEF

Defendant deny that Plaintiffs are entitled to any relief, and specifically deny each allegation and request for relief in paragraphs (A) through (K) of the Complaint and pray for judgment in favor of Defendants dismissing Plaintiffs' claims and awarding Defendants their reasonable attorneys' fees, interest, and costs in this action, and any further relief that this Court deems just and proper.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Plaintiffs have suffered no damages as a result of any of the conduct alleged in the Complaint.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or part under the doctrines of waiver, laches, acquiescence and/or estoppel.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or part under the doctrine of unclean hands.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or part under the doctrine of entrapment.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or part by their failure to mitigate damages, if any.

WHEREFORE, Defendants respectfully request that the Court grant the following relief:

1. Dismiss the Complaint in its entirety;
2. Award costs, disbursements, and attorneys' fees to Defendants; and
3. Grant such other and further relief as the Court deems just and proper.

Dated: New York, New York
August 5, 2013

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

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